



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/428,756      | 10/28/1999  | TAKESHI ITO          | SCEI16.549          | 5059             |

7590                    09/11/2002

HELGOTT & KARAS PC  
EMPIRE STATE BUILDING  
60TH FLOOR  
NEW YORK, NY 101180110

EXAMINER

MILLER, MARTIN E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2623     |              |

DATE MAILED: 09/11/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/428,756             | ITO, TAKESHI        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Martin Miller          | 2623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 October 1999 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .

- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The examiner has considered the Information Disclosure Statement filed March 20, 2000 and an initialed copy is attached to this office action.

### ***Drawings***

The formal drawings filed with the application have been reviewed by the Draftsperson, whose PTO-948 is attached, and are accepted by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamazaki, US 6251011.

As per claims 1 and 3, Yamazaki teaches:

an image data generation means (graphics process, fig. 2, element 132) that generates image data by changing, each unit time (col. 5, ll. 40-41), the color part (col. 9, l. 10) or all of a moving image (col. 9, ll. 9-11) based on digital data that is input thereto.

As per claims 2 and 4, Yamazaki teaches:

wherein said color change at least one of the elements of hue, brightness, and chroma changes. The helicopter suffers proximity blasts (explosions)...and crashes into the ground (col. 9, ll. 23-26, col. 11, ll. 35-40) requires some change in either the brightness, hue and chroma of the display.

Claims 5-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baer, US 3993861. Of these claims independent claim 9 is the most detailed and will be addressed, independent claims 5, 7, and 11 merely recite broader limitations of claim 9.

As per claims 5 and 7, Baer teaches:

a light sensing means (photosensor 22, fig. 2) that senses the light of part or all of the moving image displayed on a display means (fig. 2, element 16);  
a digital decoding means that detects the change in each unit time(a rate exceeding the vertical picture field rate, col. 2, ll. 27-29) in the color of part or all of the moving image sensed by said light sensing means (col. 2, ll. 30-33) and decodes (col. 7, ll. 18-20, 22-30) and generates digital data (col. 7, l. 28-30 and 35-41).

As per claims 6 and 8, Baer teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes. (col. 4, ll. 1-5).

As per claim 9, Baer teaches:

an image data encoding means that encodes (data in the form of binary-coded, digital brightness modulation, col. 2, ll. 26-27), each unit time (a rate exceeding the vertical picture field

Art Unit: 2623

rate, col. 2, ll. 27-29), the color of part or all of a moving image based on digital data that is input and generates image data (col. 4, ll. 2-6); and

a transmission means that transmits said image data (col. 1, ll. 60-65, col. 2, ll. 25, 52-65);

and said data receiver including

a reception means (at the receiving end, col. 2, ll. 29-30, fig. 1, element 16) that receives image data,

a display means that displays a moving image based on image data (fig. 1, element 16a, col. 4, ll. 1-5);

a light sensing means that senses a part or all of the moving image displayed on said display means (col. 2, ll. 30-33);

a digital data decoding means (col. 6, ll. 24-42) that detects the change each unit time in the color of part or all of the moving image sensed by said light sensing means and decodes and generates the digital data (col. 7, ll. 18-20, 27-31).

As per claim 10, Baer teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes. (col. 4, ll. 1-5).

As per claim 11, Baer teaches:

generating encoded image data (data in the form of binary-coded, digital brightness modulation, col. 2, ll. 26-27) in which the color of part or all of a moving image is changed in each unit time (a rate exceeding the vertical picture field rate, col. 2, ll. 27-29) based on digital data (col. 4, ll. 1-5);

displaying the moving image on a display means based on said image data (fig. 2, element 16);

sensing the light of part or all of the moving image displayed on said display means (col. 2, ll. 30-33);

detecting a change in each unit time (light sensor develops, col. 7, l. 16-18) in the color of part (white flicker) or all of the moving image whose light is detected, and decoding the digital data (decoder/demodulator 24, fig. 2, col. 7, ll. 19-30).

As per claim 12, Baer teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes. (col. 4, ll. 1-5).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U.S. patent(s) refer(s) to sensing images on displays: Ryan et al., 3675925, Yokoi, 3960830 and Marshall, 4290757.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Miller whose telephone number is (703) 306-9134. The examiner can normally be reached on Monday-Friday, Maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

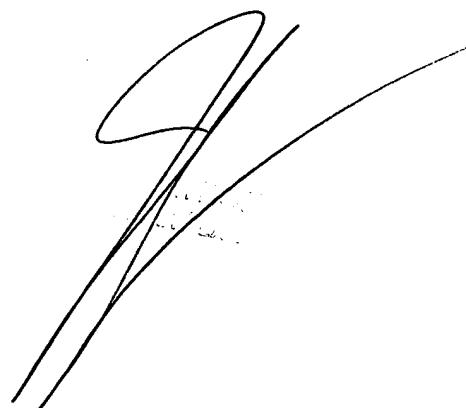
Art Unit: 2623

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*mcw*

mem

September 6, 2002

A handwritten signature consisting of two main loops and a horizontal stroke extending to the right.